Mutual Life Ins. Co. v. *Wilkinson*, 13 Wall. (U. S.) 222. *A fortiori* he does so in undertaking to forward it to headquarters. It follows that when the defendant, through its authorized agent, received the application for transmission to its home office, it became liable for failure to transmit it, in accordance with the principle stated above. This liability, since it grew out of the relation of agency toward the applicant, which the defendant assumed, sounds in tort. *Robinson* v. *Threadgill, supra.* There is no logical difficulty in a corporation's becoming bound to submit an offer to one of its own departments when it has actually undertaken so to do. The principal case therefore seems correctly decided. *Boyer* v. *State Farmer's Mut. Hail Ins. Co.*, 86 Kan. 442, 121 Pac. 329.

LIBEL AND SLANDER — PRIVILEGED COMMUNICATIONS — EFFECT ON PRINTER OF MALICE IN AUTHOR. — The plaintiff sued jointly the author and the printer of a certain pamphlet, for defamatory statements therein contained. The occasion was privileged as regards the author, but he was actuated by malice. There was no malice in the printer. *Held*, that both were jointly liable. *Smith* v. *Streatfeild*, 29 T. L. R. 707.

The publisher and the author of defamatory matter can be sued jointly for the publication. *Munson* v. *Lathrop*, 96 Wis. 386, 71 N. W. 596. Such a publication is actionable *per se*, subject, however, to such defenses as truth and privilege. *Bromage* v. *Prosser*, 4 B. & C. 247; *Ullrich* v. *New York Press. Co.*, 23 Misc. (N. Y.) 168, 50 N. Y. Supp. 788. The reasoning of the present case is not free from the confusion which has followed the doctrine of legal malice, and its rebuttal by proof of privilege. See *Jackson* v. *Hopperton*, 12 Wkly R. 913. The result can be reached by straightforward reasoning without reverting to any such antique fiction. See 60 Univ. of Pa. L. Rev. 365. In the principal case the printer published at his peril. He himself had no defense of privilege. Had there been no malice, he would have acquired a *primâ facie* defense by virtue of the author's privilege. *Baker* v. *Carrick*, [1894] 1 Q. B. 838. But there was malice in the author, hence the author's *primâ facie* defense of privilege fell. *Stevens* v. *Sampson*, 5 Ex. D. 53. Thus having no defense himself, and acquiring none from the author, the printer's absolute liability remained, making him jointly liable.

NEGLIGENCE — DEFENSES — ILLEGAL ACT OF PLAINTIFF. — The plaintiff while riding in an unregistered automobile, was injured at a railroad crossing through the negligence of the defendant railroad. *Held*, that the plaintiff may recover. *Lockbridge* v. *Minneapolis & St. L. Ry. Co.*, 140 N. W. 834 (Ia.).

The plaintiff's intestate while acting as engineer of the defendant's train was killed when the engine left the track. Although the rail was defective, the accident would not have occurred had the deceased not been exceeding the speed limit of four miles an hour fixed by a municipal ordinance. *Held*, that the plaintiff may not recover. *Southern Ry. Co.* v. *Rice's Adm'x*, 73 S. E. 592 (Va.).

The weight of authority holds that a plaintiff's breach of a criminal statute is equivalent to contributory negligence. *Newcomb* v. *Boston Protective Department*, 146 Mass. 596; *Weller* v. *Chicago, M. & St. P. Ry. Co.*, 120 Mo. 635, 23 S. W. 1061. The plaintiff, however, is barred only when his act is the legal cause of the injury. *Berry* v. *Sugar Notch Borough*, 191 Pa. 345, 43 Atl. 240. Upon consideration merely of causation the Iowa case, where the plaintiff's act was mere collateral wickedness, correctly permitted recovery; while the opposite result seems proper in the Virginia case, where the statutory breach contributed directly to the wreck. But because of other considerations the correctness of each case is doubtful. In the Iowa case the plaintiff could not recover if regarded as a trespasser, unless wilfully or wantonly mistreated. *Gwynn* v. *Duffield*, 66 Ia. 708, 24 N. W. 523. The Massachusetts court